

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PACIFIC BIOSCIENCES OF CALIFORNIA, INC.,)	
)	
Plaintiff,)	C.A. No. 17-cv-275-LPS
)	C.A. No. 17-cv-1353-LPS
v.)	
)	JURY TRIAL DEMANDED
OXFORD NANOPORE TECHNOLOGIES, INC., and OXFORD NANOPORE TECHNOLOGIES, LTD.,)	
)	
Defendants.)	

[PROPOSED] FINAL JUDGMENT

This action came before the Court for a trial by jury beginning on March 9, 2020. The jury rendered a verdict on March 18, 2020 by way of a verdict form (C.A. No. 17-275, D.I. 478; C.A. No. 17-1353, D.I. 509). The Court entered Judgment on that verdict on April 1, 2020 (*see* C.A. No. 17-275, D.I. 484; C.A. No. 17-1353, D.I. 515).

The Court has reviewed the parties' post-trial motions, including Plaintiff's Motion for Judgment as a Matter of Law Under FRCP 50 and New Trial Under FRCP 59 (C.A. No. 17-275, D.I. 495; C.A. No. 17-1353, D.I. 526) and Defendants' Renewed Motion for Judgment as a Matter of Law of Noninfringement and Indefiniteness, or in the Alternative, Motion for a New Trial (C.A. No. 17-275, D.I. 497; C.A. No. 17-1353, D.I. 528). The Court also heard oral argument on those Motions on July 28, 2020 (*see* C.A. No. 17-275, D.I. 511; C.A. No. 17-1353, D.I. 542).

IT IS HEREBY ORDERED AND ADJUDGED that, for the reasons stated by the Court during the teleconference held on July 30, 2020, and as reflected in the transcript of that

teleconference (*see* C.A. No. 17-275, D.I. 512; C.A. No. 17-1353, D.I. 543), Plaintiff's Motion for Judgment as a Matter of Law Under FRCP 50 and New Trial Under FRCP 59 (C.A. No. 17-275, D.I. 495; C.A. No. 17-1353, D.I. 526) is DENIED.

IT IS HEREBY ORDERED AND ADJUDGED that, for the reasons stated by the Court during the teleconference held on July 30, 2020, and as reflected in the transcript of that teleconference (*see* C.A. No. 17-275, D.I. 512; C.A. No. 17-1353, D.I. 543), Defendants' Renewed Motion for Judgment as a Matter of Law of Noninfringement and Indefiniteness, or in the Alternative, Motion for a New Trial (C.A. No. 17-275, D.I. 497; C.A. No. 17-1353, D.I. 528) is DENIED.

IT IS HEREBY ORDERED AND ADJUDGED that judgment be and is entered on the March 18, 2020 verdict in favor of Plaintiff, Pacific Biosciences of California, Inc. ("PacBio"), and against Defendants, Oxford Nanopore Technologies, Inc. and Oxford Nanopore Technologies, Ltd. (together "Oxford") on all claims of infringement of the '400 Patent, '323 Patent, and '056 Patent as set out in the verdict form. [C.A. No. 17-275, D.I. 478 at 2-6; C.A. No. 17-1353, D.I. 509 at 2-6].

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Defendants, Oxford, and against Plaintiff, PacBio, on all claims of infringement of the '929 Patent as set out in the verdict form. [C.A. No. 17-275, D.I. 478 at 6-7; C.A. No. 17-1353, D.I. 509 at 6-7].

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Plaintiff, PacBio, and against Defendants, Oxford, on all claims of invalidity based on lack of written description of the '400 Patent, the '323 Patent, the '929 Patent, and claims 2 and 12 of the

'056 Patent as set out in the verdict form. [C.A. No. 17-275, D.I. 478 at 8-10, 12; C.A. No. 17-1353, D.I. 509 at 8-10, 12].

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Defendants, Oxford, and against Plaintiff, PacBio, on the claim of invalidity for lack of adequate written description of claim 1 of the '056 Patent as set out in the verdict form. [C.A. No. 17-275, D.I. 478 at 10; C.A. No. 17-1353, D.I. 509 at 10].

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Defendants, Oxford, and against Plaintiff, PacBio, on all claims of invalidity for lack of enablement of the '400 Patent, the '323 Patent, the '056 Patent, and claims 1 and 2 of the '929 Patent as set out in the attached verdict form. [C.A. No. 17-275, D.I. 478 at 8-10, 12; C.A. No. 17-1353, D.I. 509 at 8-10, 12].

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Plaintiff, PacBio, and against Defendants, Oxford, on the claim of invalidity for lack of enablement of claim 10 of the '929 Patent as set out in the verdict form. [C.A. No. 17-275, D.I. 478 at 12; C.A. No. 17-1353, D.I. 509 at 12].

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Defendants, Oxford, and against Plaintiff, PacBio, on the claim of invalidity for indefiniteness of claim 1 of the '056 Patent as set out in the attached verdict form. [C.A. No. 17-275, D.I. 478 at 11; C.A. No. 17-1353, D.I. 509 at 11].

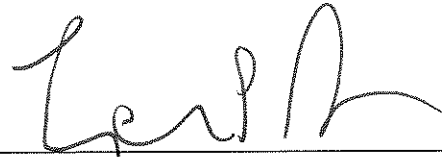
IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Plaintiff, PacBio, and against Defendants, Oxford, on all claims of invalidity for indefiniteness for

claims 2 and 12 of the '056 Patent as set out in the verdict form. [C.A. No. 17-275, D.I. 478 at 11; C.A. No. 17-1353, D.I. 509 at 11].

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Defendants, Oxford, and against Plaintiff, PacBio, on all claims of invalidity for obviousness of the '929 Patent as set out in the verdict form. [C.A. No. 17-275, D.I. 478 at 11; C.A. No. 17-1353, D.I. 509 at 11].

Dated: _____

August 12, 2020



The Honorable Leonard P. Stark